SUBJECT INDEX

PAGE

PETITION FOR CERTIORARI 1-10

I STATEMENT OF MATTER INVOLVED 2-4

II JURISDICTIONAL STATEMENT 4

(A) Statute Sustaining Jurisdiction 4

(B) State Statute Involved 5, 6

(C) Date of Judgment 6

III QUESTIONS PRESENTED 6, 7

IV REASONS FOR ALLOWANCE OF WRIT 8, 9

V PRAYER 9, 10

BRIEF OF PETITIONER 11-28

OFFICIAL REPORT OF OPINION BELOW 11

GROUNDS ON WHICH JURISDICTION INVOKED 11

STATEMENT OF THE CASE 12-14

ASSIGNMENT OF ERROR 14, 15

ARGUMENT 15-28

Proposition of Fact 16-20

Propositions of Law 20-23

Applicability of Law to Facts 23-27

Conclusion 27, 28

TABLE OF CASES

PAGE

Bailey v. Central Vermont Ry., Inc., 319 U.S. 350, 63 S. Ct. 1062 21

Baker v. Watson Co., 134 P (2d) 613 (Idaho 1943) 22

Berry v. U. S., 312 U.S. 450, 61 S. Ct. 637; 85 L. Ed. 945 21

Best v. District of Columbia, 291 U.S. 411; 78 L. Ed. 882; 54 S. Ct. 487 21

Bordes v. Weaver, 44 N.E. (2d) 130 (Ohio 1942) 24

Cannon v. Chadwell, 25 Tenn. A 42 23

Conway v. O'Brien, 312 U.S. 492, 61 S. Ct. 634; 85 L. Ed. 969 21

Gant v. Cutting-Larson Co., 181 N.Y.S. 581 22

Grainger Bros. v. Amsinck Co., 15 Fed. (2d) 329 (8th Cir.) 22

Hall v. Nash, 184 Tenn. 312; 198 S.W. 2d 649 21

Hardwick v. CanCo, 113 Tenn. 657; 88 S.W. 797 23

Jones v. Bloomgarden, 106 N.W. 891 (Mich.) 22

Jones v. Healy, 237 App. 264, 261 N.Y.S. 464 (1932) 22

Kahn v. J. C. Management, 59 N.Y.S. 547 22

Morris v. Prefabrication Eng. Co., 160 Fed. (2d) 779 22

Moulder v. American L. Ins. Co., 101 U.S. 708; 25 L. Ed. 1077 21

Petway v. Loews Nashville & Knoxville Corp., 22 Tenn. App. 59; 117 S.W. 2d 975 21

TABLE OF CASES—(Continued)

PAGE

Phoenix Iron & Steel Co. v. Wilcoff Co., 253 F 165 20

Pleak v. Marks, et al, 171 Iowa 551, 152 N.W. 63 22

Rubin v. Sturdevant, 80 Fed. 930 22

Slocum v. N. Y. L. Ins. Co., 228 U.S. 367; 57 L. Ed. 879; 35 S. Ct. 323 21

Strauss v. Nat. Parlor Fur., 76 Miss. 343, 24 SO. 703 22

Western Union Tel. Co. v. Lamb, 140 Tenn. 107 21

Wilson & Co. v. Werk, 104 Ohio 507, 136 N.E. 202 22

TEXT BOOKS AND STATUTES CITED

12 American Jurisprudence, Sec. 53, P. 544 20

53 American Jurisprudence, Sec. 172, P. 149-150 21

Benjamin on Sales, Sixth Ed., Pages 1150 and 1153 22

55 Corpus Juris 297, 298, Sec. 282 23

Tenn. Code 1932, Sec. 7262 ..... 5, 6, 15

Sec. 7243 6

Uniform Laws Ann. Vol. 1, Sales Act Sec. 69 and annotations beginning P. 415 23

United States Code. Sec. 1254 ..... 4, 11

U.S.C.A., Sec. 2101 (c) 6

U. S. Constitution, Amend. 7 25

Williston on Sales, Revised Edition, Secs. 496, 497, 498, 569, 610 22